

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALAN THOMAS HAHN,

Plaintiff,

v.

Case No. 06-CV-12814

ARTHUR J. TARNOW, et al,

Defendants.

**OPINION AND ORDER DENYING PLAINTIFF'S "MOTION FOR
RECONSIDERATION" AS MOOT, GRANTING PLAINTIFF'S "MOTION TO
APPEAL *IN FORMA PAUPERIS*" AND DENYING PLAINTIFF'S MOTION FOR
RECORDS TO BE SENT TO THE 6TH CIR. COURT OF APPEALS"**

Pending before the court are three motions. Plaintiff's first motion, filed on August 14, 2006, requests that this court reconsider its July 31, 2006 opinion and order dismissing the case. On September 5, 2006, Plaintiff filed a notice of appeal of this court's July 31, 2006 order. The court thus lacks jurisdiction over Plaintiff's August 14, 2006 motion. See *e.g. Pittock v. Otis Elevator Co.*, 8 F.3d 325, 327 (6th Cir. 1993) (holding that a district court does not retain jurisdiction over a motion for reconsideration if a notice of appeal from the underlying order is filed before the court rules on the motion).

Also pending before the court are two motions concerning how Plaintiff should proceed on appeal. Having reviewed the application before the court, it appears that Plaintiff's request to appeal *in forma pauperis* complies with the provisions of 28 U.S.C. § 1915 and will therefore be granted. The court, however, will deny Plaintiff's "Motion for Records to be Sent to the 6th Cir. Court of Appeals" as unnecessary because under

the electronic filing system the Sixth Circuit automatically has access to the docket of this case. Plaintiff's motion is more properly labeled a designation of records for consideration on appeal. Accordingly,

IT IS ORDERED that Plaintiff's "Motion for Reconsideration" [Dkt #10] is DENIED AS MOOT.

IT IS FURTHER ORDERED that Plaintiff's "Motion to Appeal *In Forma Pauperis*" [Dkt #15] is GRANTED and Plaintiff's "Motion for Records to be Sent to the 6th Cir. Court of Appeals" [Dkt #14] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 9, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 9, 2006, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522